



Indiana Department of Environmental Management

Office of Water Management

Rule Fact Sheet

May 10, 2000

Development of Amendments Concerning Drinking Water Standards

#99-261 (WPCB)

Overview

The Indiana Department of Environmental Management (IDEM) has developed amendments to rules to be presented to the Water Pollution Control Board on May 10, 2000, for consideration of preliminary adoption concerning Analytical Methods for Radionuclides, Variance and Exemption Rules, Electronic Reporting, and Repeal of Outdated Turbidity Monitoring Requirements and Unregulated Contaminant Monitoring Requirements and Development of Amendments to Drinking Water Standards Rules Concerning Analytical Methods for Chemical and Microbiological Contaminants

Citations Affected

This rulemaking amends 327 IAC 8-2-4.1, 327 IAC 8-2-4.2, 327 IAC 8-2-5.1, 327 IAC 8-2-5.2, 327 IAC 8-2-5.3, 327 IAC 8-2-5.5, 327 IAC 8-2-5.6, 327 IAC 8-2-8, 327 IAC 8-2-8.1, 327 IAC 8-2-8.4, 327 IAC 8-2-8.7, 327 IAC 8-2-10.1, 327 IAC 8-2-13, 327 IAC 8-2-14, 327 IAC 8-2-15, 327 IAC 8-2-21, 327 IAC 8-2-24, 327 IAC 8-2-33, 327 IAC 8-2-45, 327 IAC 8-2-46, and 327 IAC 8-2.1-3. It also repeals 327 IAC 8-2-6, 327 IAC 8-2-6.1, 327 IAC 8-2-23, 327 IAC 8-2-25, 327 IAC 8-2-26, 327 IAC 8-2-27, and 327 IAC 8-2-28.

Affected Persons

This rule will affect all public water supply systems and certified laboratories in Indiana.

Reason(s) for the Rule

This rulemaking will make amendments to 327 IAC 8-2 and 327 IAC 8-2.1, Indiana's drinking water

standards, to reflect recent changes made to federal regulations. On March 7, 1997, the United States Environmental Protection Agency (EPA) published a final rule concerning analytical methods for radionuclides. This rule became effective on May 5, 1997. In addition, IDEM would like to amend the current rules to allow for electronic reporting of drinking water monitoring data, and to clarify reporting requirements. IDEM would also like to repeal obsolete rules for surface water treatment rule turbidity monitoring, which were only effective until June 28, 1993, and unregulated contaminant monitoring.

On August 18, 1998, EPA published a final rule concerning revision of existing variance and exemption regulations to comply with the requirements of the Safe Drinking Water Act. This rule became effective September 14, 1998. On December 1, 1999, EPA published a final rule regarding analytical methods for chemical and microbiological contaminants. This rule combines rules that were proposed July 31, 1998, September 3, 1998, and January 14, 1999. The rule approves updated versions of American Society of Testing and Materials (ASTM) methods, Standard Methods for Water and Wastewater (SM) methods, and EPA analytical methods for compliance determinations of chemical contaminants in drinking water. Some EPA methods in the current rule are being withdrawn, and the ASTM and SM methods are being added to the current list of approved methods. There are also new methods being added for total coliform, *E. coli*, lead, magnesium, and acid herbicides. The final EPA rule was effective on January 3, 2000. IDEM is proposing to update the current regulations to include these EPA changes.

Economic Impact of the Rule

The requirements of these rules follow the currently enforced federal regulations and should have no additional economic impact on the affected persons.

Benefits of the Rule

These rules will allow IDEM regulations to remain as stringent as the EPA regulations so that IDEM may maintain primacy (primary enforcement authority) for the affected regulations. It will also allow for electronic reporting of drinking water reports.

Description of the Rulemaking Project

This rulemaking was initiated with first notice publications on January 1, 2000, and February 1, 2000. Two rulemaking projects were combined and the second notice was published on April 1, 2000. IDEM received no comments in response to the first notice of public comment periods.

Scheduled Hearings

First Public Hearing: May 10, 2000, at the WPCB meeting held at the Indiana Government Building South.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Section, Office of Water Management, (317) 232-8635 or (800) 451-6027 (in Indiana).